

## REMARKS

This is a complete response to the Examiner's Office Action dated January 14, 2004, wherein claims 1-18 were rejected as being unpatentable under 35 USC §103 for obviousness over Crooks et al.

Applicant has amended the claims adding further limitations in regard to the utility data consumption time series. In specific, Applicant has amended "utility data" in independent Claims 1, 7 and 10 by adding the further limitation of including "a fine timescale utility consumption time series measured every few minutes" which is neither taught or suggested in the prior cited art.

Applicant has further canceled dependent claims 6, 12, and 18 which are now essentially moot or redundant after the above described amendments. Applicant has also made a minor amendment to Claim 17 to correct a self explanatory typographical error.

Applicant would now respectfully argue that Crooks et al. fails to disclose, teach, or suggest the invention of Applicant's application as amended. In specific, a key feature as addressed in the detailed description of the Applicant's application as quoting on page 4 paragraph 1, is the ability to provide information "about a customer's utility consumption on a fine scale (measured every hour, or every few minutes)."

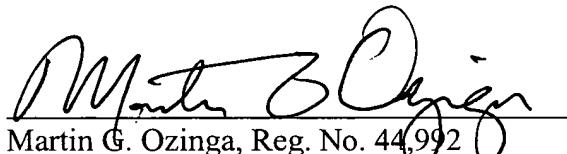
Admittedly, Crooks et al. does discuss the ability to retrieve download function from a drop down menu for a "time period", but nowhere does the "time period" suggest or teach a fine timescale as provided by the Applicant's invention which would include a calculation on a minute basis. In fact, Applicant would contend that Crooks et al. teaches away from the current invention by its discussion of "monthly tracking" and "degree-days"(column 4, lines 45 through 51).

Of a side note and understanding that the following is not necessarily proper evidence or argument for consideration by the Examiner in this form, Crooks et al. assignee, AVISTA ADVANTAGE, INC., has consulted with the Applicant on how to utilize Applicant's invention to provide a time period of "a fine timescale" measured every hour or every few minutes to its products because of AVISTA ADVANTAGE, INC. inability to do so.

### **CONCLUSION**

Applicant considers this to be a full response to the Office Action. Applicant believes that the application is now in condition for allowance and earnestly seeks such by the Examiner. Applicant's attorney would welcome a call to address any issues.

Sincerely,



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